

**Iowa Department of Natural Resources  
Natural Resource Commission**

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**ITEM**

**24**

**DECISION**

**TOPIC**

**Notice of Intended Action – Chapter 82, Commercial Fishing**

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Approval is requested to file a Notice of Intended Action to amend Chapter 82, Commercial Fishing Rule. The proposed amendments are directed at conserving the shovelnose sturgeon and reducing conflicts with sport anglers. Over exploitation of traditional sources of the world supply of caviar has driven up the recent demand for shovelnose sturgeon roe or eggs. Price per pound of raw shovelnose sturgeon roe has steadily increased from \$40/lb in 2004 to \$48/lb in 2006. The reported harvest in 2006 was 3,105 pounds valued at \$150,000.

The size limit and season regulations implemented last year for shovelnose sturgeon are intended to sustain the fishery. The proposed amendments clarify language on possession and season. Proposed rule language pertaining to attendance of entanglement gear and restricted areas below the Locks and Dams is intended to minimize conflicts seen last year between commercial and sport anglers. By Code of Iowa no commercial gear may be fished within 900 feet of the Locks and Dams. These amendments would restrict the use of entanglement gear including gill nets and trammel nets another 0.2 to 3 miles below the 11 Locks and Dams.

Ken Herring  
Conservation and Recreation Division  
Administrator

May 10, 2007

NATURAL RESOURCE COMMISSION [571]  
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 82 “Commercial Fishing,” Iowa Administrative Code.

The proposed amendments provide for four changes in commercial fishing regulations on the Mississippi River: (1) no sturgeon less than 27 inches may be possessed in Iowa waters; (2) no sturgeon may be harvested from gear set prior to midnight on October 15; (3) establish closed areas to entanglement gear below locks and dams; and (4) establish restrictions for entanglement gear.

Any interested person may make written suggestions or comments on the proposed amendments on or before June 29, 2007. Such written materials should be directed to Marion Conover, Department of Natural Resources, Wallace State Office Building, 502 East 9<sup>th</sup> Street, Des Moines, Iowa, 50319-0034; fax (515) 281-6794. Persons who wish to convey their views orally should contact the Fisheries Bureau at (515) 281-5208 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

Also, there will be three public hearings as follows:

June 26, 2007	7:00 p.m.	Municipal Building 502 South First Street Guttenberg, IA
June 27, 2007	7:00 p.m.	Clinton County Administration Building Cafeteria 1900 North Third Street Clinton, IA
June 28, 2007	7:00 p.m.	Musser Public Library 304 Iowa Avenue Muscatine, IA

At the public hearings persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any person who intends to attend a public hearing and has special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, and 482.1.

The following amendments are proposed:

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ITEM 1. Amend subrule 82.2(2) as follows:

82.2(2) *Size limits.* Fish less than a minimum length or longer than the maximum length shall be returned to the water unharmed. The minimum total length for all catfish is 15 inches. The minimum fork length for shovelnose sturgeon, measured from the tip of the snout to the fork of the tail, is 27 inches. No shovelnose sturgeon longer than 34 inches fork length may be

harvested from waters of the Mississippi River bordering Wisconsin. No shovelnose sturgeon less than 27 inches may be possessed in Iowa waters.

ITEM 2. Amend subrule 82.2(5), paragraph *c.* as follows:

*c.* Gill nets and trammel nets shall be attended at least once every 24 hours during open water conditions, and at least once every 96 hours during ice cover conditions. Dead set trammel nets with an inner bar mesh less than 3 ½ inches must be constantly attended. Any gill or trammel net hobbled to less than 80 percent its total height must be constantly attended. Constant attendance is defined as being within 200 yards of nets. No more than four nets totaling 600 feet in length may be constantly attended at one time by a licensee and their operators.

ITEM 3. Amend subrule 82.2(8) as follows:

82.2(8) *Seasons.* There is continuous open season for commercial fishing of all species listed in 82.2(1) except there is a closed season for shovelnose sturgeon from May 16 through October 14. No shovelnose sturgeon may be harvested from gear set prior to midnight on October 15.

ITEM 4. Amend subrule 82.2(9) as follows:

82.2(9) *Special shovelnose and bowfin regulations.* A Shovelnose sturgeon and bowfin must remain intact until the fish reaches the final processing facility or business. For the purposes of this subrule, final processing facility does not include vessels or vehicles.

ITEM 5. Amend rule 571-82.2(482) by adopting the following new subrule:

82.2(10) *Closed areas.* The use of entanglement gear, including gill and trammel nets, is prohibited from the following areas of the Mississippi River.

- a.* From Lock and Dam Number 9 downstream to the entrance to McDonald Slough near river mile 646.5.
- b.* From Lock and Dam Number 10 downstream to the entrance of Ackermans Cut near river mile 613.8.
- c.* From Lock and Dam Number 11 downstream to the railroad bridge near river mile 579.9.
- d.* From Lock and Dam Number 12 downstream to the mouth of Mill Creek near river mile 556.
- e.* From Lock and Dam Number 13 downstream to the downstream end of Stamp Island near river miles 521.5.
- f.* From Lock and Dam Number 14 downstream to the boat ramp near river mile 492.9.
- g.* From Lock and Dam Number 15 downstream to the Centennial Bridge near river mile 482.1.
- h.* From Lock and Dam Number 16 downstream to the downstream end of Hog Island near river mile 456.7.

*i.* From Lock and Dam Number 17 downstream to the downstream end of Ottertail Island near river mile 436.6.

*j.* From Lock and Dam Number 18 downstream to the downstream end of Mercer Island near river mile 409.5.

*k.* From Lock and Dam Number 19 downstream to the Keokuk Highway Bridge near river mile 363.8.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 482.1, 482.3, 482.5, and 482.14.

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Date

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Richard A. Leopold, Director